## APPENDIX B ("OF AND CONCERNING")

No.	Date	Defamatory Publication	Statement	Of and Concerning Explanation
1	2/5/21	No. 1: Absolute Proof	Colonel Waldron: "So a critical capability for any of this to happen are the inherent vulnerabilities that were built into ES&S and Dominion software, which is, you know, again, we've proven through, through our work that this is all related directly back to the soft, Smartmatic [] SGO Smartmatic software core the board of SGO Smartmatic, because they own a, an air purification company. So just think about it, if you get to pick an administration that is favorable to your company, say if they [passed] the Green New Deal, and you're going to make billions and billions of dollars off of government-mandated air purification systems and public buildings you would spend quite a bit of money on the frontside to make sure the election was done."	Smartmatic identified by name
2	2/5/21	No. 1: Absolute Proof	Mr. Lindell: So why [] would Texas, they denied these Dominion ones, and in your opinion, so they must have looked at them and said there's something there we don't like, but then they, over here, with Smartmatic and these other ones, they were okay with that? What would be your opinion of why, why one, they would deny one machine that, because they're afraid of election fraud, and, and over here, they accepted that one? Mr. Ramsland: I think that it sometimes has more to do with politics and influence, who gets through and who doesn't [] for the machines."	Smartmatic identified by name

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3	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "7,060 were flipped from Trump to Biden, is that correct? By machines, right? It had to be done by machines." Matt DePerno: " Absolutely by machines."	Smartmatic previously identified by name as one of the "machines" in question
4	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Right they were just flipped. In order for that to be off, you do the conclusion which I would right now, 100%, how could that be off? It would be something wrong with what?" Mr. DePerno: "The machines." Mr. Lindell: "The machines, the machines. And what we're showing here right now, what you're going to see, all this what we've been talking about, this massive machine election fraud that went on, where countries hacked into our election. And nationwide, this is one little county in northern Michigan, and these machines would do it right down to the precinct And so what I want to tell you all is this is the perfect example, just so you know, right down to the precinct level, what went on with these machine[s]"	Smartmatic previously identified by name as one of the "machines" in question
5	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "So everybody knows what you're going to see, when you see this spike, you're going to see a forensic footprint, how this happened and who did it. China? Yes. If you're on the Internet, the bottom line is you can get, you can cheat, you can do all kinds of things. And that's because otherwise you can't explain any of these numbers.	Smartmatic previously identified by name as one of the "machines" in question

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			Right?" Matt DePerno: "That's correct. The machine results don't match up with the hand-tabulation."	
6	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "[T]he, you know, the purpose of this whole show, obviously, is to show everyone in the world that these machines that this was the biggest fraud and the biggest crime I believe against humanity. It was a crime against humanity."	Smartmatic previously identified by name as one of the "machines" in question
7	2/5/21	No. 1: Absolute Proof	Mr. Lindell: And [] we've just shown everybody in the world 100% evidence that this was an attack on our country and is still under attack by China and other countries through the use of these machines used in our election.	Smartmatic previously identified by name as one of the "machines" in question
8	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Could you guys all hear this? This is what we're up against, this Dominion, these machines is the biggest fraud in election. They stole this. But now the truth is all going to be revealed."	Smartmatic previously identified by name as one of the "machines" in question
9	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Okay, I want to ask you there when you say horrify, can you explain to everybody watching this right now, what, what horrified you, was that the fact they could go online?" Russell Ramsland: "Well, there's no effective security at all for your votes. Your votes are stored overseas"	Smartmatic previously identified by name as one of the "machines" in question

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10	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Doesn't matter. Right. Somebody else picks our people for him so why vote, right? I mean, that's the way [] it would have been. Machines that go online, like, and it's not, now you said earlier, it's not just Dominion, it's all the, all the machines that were used in this election. What, is that what you would say?" Russell Ramsland: "Yes, that's absolutely a fair statement. And look, let me [] tell you a little bit about that. You know, for these people that say it's not online, we have videos of workers with pollbooks, who are swiping left on their pollbook and bringing up Netflix and getting a movie and watching it on their pollbook. How does that happen if it's not connected to the Internet?"	Smartmatic previously identified by name as one of the "machines" in question
11	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "I know they were all online, but they, is it illegal for them to be online?" Russell Ramsland: "Well, it depends, some places yes, some places no. I mean, the assurance is that you can trust the voting system because they're not online, but they are most clearly online."	Smartmatic previously identified by name as one of the "voting system[s]"
12	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Right, so both of them involved the machines, everybody. One we've talked about in this show is here. But then the cyber one is what you just heard from Russell, which he said earlier, this is all the attack by the other countries that hacked in which we're going to show you proof now that Russell doesn't even know that we	Smartmatic previously identified by name as one of the "machines" in question

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			have that's going to show who did it, the time they did it, the computer they did it off it, everything."	
13	2/5/21	No. 1: Absolute Proof	Mr. Colbeck: "[T]hey've already admitted to the fact that that control center had computers that were connected to the Internet. And we saw the actual cable routed from the wall of the, of the TCF center to the control center. And we have election officials that admitted there were computers, in the control center that were connected to the Internet, and anybody [] worth their salt in IT land understands that if one computer is connected to the Internet, they're all connected to the Internet. You may say that it's airgapped, you may say you have a firewall. These are people that eat firewalls for breakfast." Mr. Lindell: "So what you're saying, you knowing that, so if it's connected to the Internet, somebody out there could have hacked in and did the flipping of the votes." Patrick Colbeck: "Yep So you may be thinking you're passing that information from point A to point B. But there's nothing to prevent it from going to point C and the Internet, it's called a man in the middle attack." Mr. Lindell: "Right. So that, so if you're on, if you're online, I mean that anybody could get in there and do that because they're intercepting that, it's interception. That's why you don't have, machines aren't supposed to be online in election, right?"	Smartmatic previously identified by name as one of the "machines" in question

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14	2/5/21	No. 1: Absolute Proof	Mr. Lindell: "Well, I just met Dr. Shiva four weeks ago And he knows all about these machines now and we're going to hear some of the stuff that I found out [and] went wow, this is a, absolutely validates this election fraud with these machines"  ****  Dr. Ayyadurai: "I found out something interesting, I found out that these electronic voting machines, remember, there's two ways you can vote. One is you vote, you give a paper ballot, and the paper ballot is counted by human beings, two people, that's what occurred in Franklin County. But in those other counties, they take that paper ballot when you vote electronically—" Mr. Lindell: "Into a machine." Dr. Ayyadurai: "It goes into a machine. And what happens in that machine? The paper ballot is converted to an image called a ballot image, no different than you taking a phone, a picture with your iPhone. Now so what is actually counted? The paper ballot gets put aside, the machine, the electronic quote unquote AI on the machine, actually tries to figure out where the circles are. And the machine is counting the ballot image. So at that stamp, at that point I realized, oh my god, the ballot image is the ballot, the images are the ballot"	Smartmatic previously identified by name as one of the "machines" in question

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			Dr. Ayyadurai: "The other piece of the puzzle was, I found out that the voting machines, as early as 2002, have a feature in there called a weighted race feature, where it's embedded into the system where you can multiply candidates votes by a percentage. All right, so what that means is you get 1,000 votes, I get 1,000 votes, I can multiply your votes by two, my votes by point five. And if everyone, anyone doesn't believe this, go look up the deebot [sic] voting manual, go to page two dash 126 in the manual in the 2002 version, and you'll see it in there." Mr. Lindell: "So did, were you able to prove that yours, that your [election] was stole by the machines? Did you mathematically [] prove, did you prove 100% that this could only be recreated by a machine to do that, 60/40, that's it? "Dr. Ayyadurai: "Yeah. So what we proved, Mike, was, first of all, we showed that the state had deleted the ballots images, which means that if they had the ballot image they could have found the algorithm."  ***  Mr. Lindell: "This was a historical election fraud. This was coming from a lecture [sic] from machines, from these machines, of biblical proportions, of historical proportions. And now this is, it's all going to get exposed."	

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15	2/5/21	No. 1: Absolute Proof	Mary Fanning: "Now, red has been the most severe attacks, those lines are all coming out of China. Those are the most severe attacks on our election system. Now, this is, this exact information, the exact same type of information I should say, was presented to FBI Director, former FBI Director James Comey, by a whistleblower in 2015. They knew, in fact that our election machines were open for hacking, it's important to understand that there are prismatic scoring algorithms that they knew about that entered the election, and they steal the vote at the transfer points. So at the point where the election, the vote is leaving the Secretary of State's office and these machines, that is the point at which the vote is stolen at the transfer points"	Smartmatic previously identified by name as one of the "machines" in question
16	2/6/21	No. 2: War Room	Mr. Lindell "[F]oreign countries, like China, came in and attacked our country using these machines; Dominion, Smartmatic, ES&S all these machines."	Smartmatic identified by name
17	2/6/21	No. 2:War Room	Mr. Lindell: "I am going after Dominion and Smartmatic, I'm going after them with a lawsuit if this doesn't all come out to the public and they all get exposed and then [] show what happened in our election they're going to be crimes against our country that they used their [] their machines were all online."	Smartmatic identified by name
18	2/8/21	No. 3: Real America with Dan Ball	Mr. Lindell "We have them from November 1 all the way through the election, and shows them a massive attack on our country by China and other country. China did 60% of	Smartmatic identified by name

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			this. It was all done through Dominion machines and [] Smartmatic machines."	
19	2/11/21	No. 4: A Screening and Conversation of Absolute Proof	Mr. Lindell: "This was an attack on our country. <i>These Dominion machines and Smartmatic, these machines that were [] the tools of this attack</i> , and we will never have another fair election if we [] don't stop that, so I will never back down."	Smartmatic identified by name
20	2/11/21	No. 4: A Screening and Conversation of Absolute Proof	Mr. Lindell: "[B]ut the point of that, of bringing up the Texas thing is <i>ESS</i> , <i>Smartmatic and Dominion</i> , <i>you can interchange the names</i> , <i>they all are the same</i> . They cyber phonetics [sic] we showed goes through all these machines, <i>they're all the same</i> . <i>This is [my] whole point</i> "	Smartmatic identified by name
21	2/11/21	No. 4: A Screening and Conversation of Absolute Proof	Mr. Lindell: "[A]s part of my due diligence, that's been all this week. I wanted to go back to where this all started. And Venezuela, it all started in Venezuela with Smartmatic, not Dominion or the other one, it was with Smartmatic."	Smartmatic identified by name
22	2/24/21	No. 5: The Pete Santilli Show	Mr. Lindell: "They're all split off from Smartmatic that started in 2001, or 2002. They're, every one of them is the same, they're interchangeable. And by the way, every state in the United States was I, had votes flip. It wasn't just those swing states [A]nd everyone says, well Dallas didn't have Dominion, because they didn't want it. No, they had the other one. They had SNS or whatever they	Smartmatic identified by name

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			had. [] [I]t didn't matter what machines you had, there was this whole thing, the cyber-attack"	
23	2/24/21	No. 5: The Pete Santilli Show	Mr. Lindell: "You know, what we, what everybody needs to know is that they're all, they're all cousins. They're all split off from Smartmatic that started in 2001, or 2002. They're, every one of them is the same, they're interchangeable."	Smartmatic identified by name
24	2/24/21	No. 5: The Pete Santilli Show	Mr. Lindell: "Smartmatic started machines in Venezuela, around 2001, 2002. When they [] brought them in there, they invented them and brought them in there and took down that country in two years. It was brought into the United States, they split with Dominion, ESS and Smartmatic. It's all, all they're built for is to steal elections. They've stolen in the United States"	Smartmatic identified by name
25	3/26/21	No. 6: War Room	Mr. Lindell: "[F]oreign countries, like China, came in and attacked our country using these machines; Dominion, Smartmatic, ES&S all these machines."	Smartmatic identified by name
26	3/30/21	No. 7: Eric Metaxas Radio Show	Mr. Lindell: "We got whistleblowers you're gonna see. We have people that worked on the inside maybe they'll come clean and get lesser sentences. [] I spent millions of dollars investigating [] Dominion, Smartmatic the people behind these attacks, investigators that went over and cyber people that went over, got the IPs and the IDs of people in China."	Smartmatic identified by name

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27	4/1/21	No. 8: Indivisible with John Stubbins	Mr. Lindell: "Just like going back to Venezuela. They took Venezuela in two years with Smartmatic. And, and it's this is their big plan. This is a very conceived plan. And it's very organized, and very, you know, and they have all the marketing because they have all the evil media behind this."	Smartmatic identified by name
28	4/3/21	No. 9: Scientific Proof	Mr. Lindell: "I just want everyone to know that why we're showing other states and not just the swing state[s]. It was every state, it happened in your state []. Texas, when they said, oh, we didn't use the Dominion machines. <i>Doesn't matter, the name of the, the name of the machine doesn't matter.</i> " Dr. Frank: "No." Mr. Lindell: " <i>Smartmatic, ES&amp;S, don't matter. Just in Dallas alone</i> , there was 57 vote, 57,000 votes flipped on, and I don't even know if that was before noon."	Smartmatic identified by name
29	4/3/21	No. 9: Scientific Proof	Mr. Lindell: "100% it can only be done by machines. I can't stress that enough." Douglas Frank: "Absolutely." Mr. Lindell: "And they all rhyme with Dominion, or Smartmatic, ES&S all of them them [W]e have enough evidence that we're gonna dump for the next six weeks on the whole world and the country that by the time it gets to Supreme Court, everyone's gonna, fthey're all nine going to go 9-0 yes, so our country's been attacked. We have been attacked by foreign actors, starting with China, and with help of domestic actors here that you know, they had to be let in"	Smartmatic identified by name

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30	4/3/21	No. 9: Scientific Proof	Mr. Lindell: "[W]hat you're saying there, Dr. Frank, they're saying that <i>they've set this in the machine</i> —" Dr. Frank: "Yes." Mr. Lindell: "Or set this beforehand—" Dr. Frank: "Yes". Mr. Lindell: " <i>That they set to see who was gonna win and they set this algorithm?</i> " Dr. Frank: "Yes." Mr. Lindell: "Okay. These are the algorithms we've been telling you about."	Smartmatic previously identified by name as one of the "machines" in question
31	4/3/21	No. 9: Scientific Proof	Mr. Lindell: "Talking about 'Absolute Proof' that documentary we did, where we have the spyware and these American heroes that were [] whistleblowers and stuff that were there and that worked for the government and stuff that, former and present, that were there and they were taking these footprints, these cyber footprints the night of the election, actually, from November 1st to 5th. And we have all the IP addresses the ID's of the computers, we have all this of the attacks" Douglas Frank: "Yes. I was on the edge of my seat watching thatBut the thing about it is, you're showing the incursions into the machines but what do they do when they're there? They have to know what to do."	Smartmatic previously identified by name as one of the "machines" in question
32	4/3/21	No. 9: Scientific	Mr. Lindell: "Let's, let's open up the machines. Let's look	Smartmatic
		Proof	at this and here's what you're gonna find, this was the biggest crime against United States and the world in	previously identified by name as one of the

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			<i>history</i> . I believe it's one of the biggest ever because it affects every single person on the planet."	"machines" in question
33	4/8/21	No. 10: USA Watchdog	Mr. Lindell: "Not only that, they're, you know what they did to our country them and Smartmatic, let's not forget Smartmatic, they're like the mothership of this. And for not only being involved in the biggest crime against our country, probably in history"	Smartmatic identified by name
34	4/9/21	No. 11: War Room	Mr. Lindell: "We're going after them in the biggest way possible, and we're not – we're including Smartmatic because now we've tied the two together. They're the mothership, all of that's gonna come out too, that evidence. They're all tied together in this corruption and this – and what went on to our country, the attack on our country, but this is why we're doing it."	Smartmatic identified by name
35	4/22/21	No. 12: Absolute Interference	Mr. Flynn: "Now we're into the 21st century, and we have these machines. And these machines, what we do know, one of the things that we do know for certain, is that the machines are connected to the Internet. Our FBI and CISA, the cyber arm of the Department of Homeland Security, yeah, they gave out these alerts, and they said, hey, Iran is interfering in our election process. The machines are not supposed to be connected to the Internet. They're supposed to be free of the Internet. Well, if it's connected to the Internet, that means that	Smartmatic later identified by name as one of the "machines" in question

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			anybody in any country, and I can name some of the countries, so we know China"	
36	4/22/21	No. 12: Absolute Interference	Mr. Lindell: "The same thing, the same machines, the same attack, the same people, the same corruption that went on, the same crime against humanity was all, crossed all those states."	Smartmatic later identified by name as one of the "machines" in question
37	4/22/21	No. 12: Absolute Interference	Mr. Lindell: "100% impossible, had to be machines." Dr. Frank: "Yes." Mr. Lindell: "And they had to be online." Dr. Frank: "Constantly online." Mr. Lindell: "Constantly online, everybody. No way you could ever do that humanly" Dr. Frank: "When I've shown this other people they've said, well, gee, how could people do that? And I say—" Mr. Lindell: "They can't, it has to be machines—" Dr. Frank: "Has to be." Mr. Lindell: "And it rhymes with Dominion, and it rhymes with Smartmatic and ES&S, all these machines that were used out there cannot be done by humans and you have to have access before, during and after."	Smartmatic identified by name
38	4/22/21	No. 12: Absolute Interference	Mr. Lindell: "I have proof, 100% proof that our country was attacked by China, by communism coming in, this foreign interference to our elections, through the machines, Dominion, Smartmatic, ES&S, all of them."	Smartmatic identified by name

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39	4/22/21	No. 12: Absolute Interference	Mr. Lindell: "And it's gonna come out. And this is all, and that's just another way that, to cheat with these machines." Michael Flynn: "Right." Mr. Lindell: "There's actually four ways, maybe even more we don't know about, but these are all the online ways"	Smartmatic previously identified by name as one of the "machines" in question
40	4/22/21	No. 12: Absolute Interference	Mr. Flynn: "China is clearly, I mean everything that we've learned about the ownership of some of these machines, some of these companies to, to how they're actually operating inside of this country Now you take it to the elections [] and you look at the machinery that we are using in our election process, which, you know, I don't know how we are going to go forward as a nation and continue to use these machines knowing that what we just went through was really a false election. It was a false election."	Smartmatic previously identified by name as one of the "machines" in question
41	4/22/21	No. 12: Absolute Interference	Mr. Flynn: "And these machines, what we do know, one of the things that we do know for certain is that the machines are connected to the Internet. And most people, most people in this country, when you go in to vote none of those machines are supposed to be connected to the Internet, none of them because they're connected to the Internet, we have all these paths, these electronic pathways, or these electronic roads that lead from that machine where that individual voted and it goes back in through these IP addresses."	Smartmatic previously identified by name as one of the "machines" in question

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42	4/22/21	No. 12: Absolute Interference	Mr. Lindell: "Absolutely. And it's, you know, in Venezuela, when we went back, when it started in Venezuela, didn't they flip that country in two years, right?" Michael Flynn: "Right so that [] what I learned, almost right after the election, when we started to really go, okay, wait a second, what happened and we started to talk about how the machines really were impacting really from the fourth through the seventh of November. We this, this issue of Venezuela came up and we had the opportunity to [] get some feedback from one of the individuals who was in Venezuela at the time, who was working with [] the Chavez government. And it actually caused, they were able to take the, these machines that they had in Venezuela at the time to basically ensure that Chavez won the election and then subsequently down the road Maduro. So [] it was almost like the machinery was being tested, if you will, in another country to kind of get a sense of can you actually do this and to work for them."	Smartmatic previously blamed as the source of supposed "Venezuela" origin story of Lindell's conspiracy
43	5/3/2021	No. 14: War Room	Mr. Lindell: "Texas still had machines, all the machines are the same. They're all – you've got your ES&S, your Hart, your Diebold, your Dominion and your mothership, Smartmatic."	Smartmatic identified by name
44	5/3/2021	No. 14: OANN Newsroom with Pearson Sharp	Mr. Lindell: "Dominion, Smartmatic, Hart all of them are the same, ES&S. You just say Dominion, but it's all machines. China hacked into our election and flipped millions upon millions of votes."	Smartmatic identified by name

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45	5/8/21	No. 15: War Room	Mr. Lindell: "I mean, this is what they do. Dominion, Smartmatic, all of them. It's just like, you talk to Matt DePerno in Michigan, and they've been going through this every day for months. And in Arizona, you know, it's just like right now, when they find those [] all the stuff that's missing, it doesn't surprise anyone. I think everybody knows now, this is the biggest cover-up that's probably in history for a crime. It's so massive that they've covered this up with the machine, or all the stuff that they did with the machines."	Smartmatic identified by name
46	6/5/21	No. 16: Absolutely 9-0	Mr. Lindell: "Hello everyone I'm Mike Lindell and as you all know on January 9th I received evidence of a cyber attack orchestrated by China on our 2020 election. I took that one piece of evidence, and I just went all in. This was something different, nobody had seen. This was something that came through the machines, the Dominion machines, the Smartmatic and other machines. This was a cyber attack. I didn't know anything about cyber attacks. And boy, I learned, I had to learn real fast this was 100% an attack by China on our country through these machines."	Smartmatic identified by name
47	6/5/21	No. 16: Absolutely 9-0	Mr. Lindell: "But I wanted to get on here and explain to everyone, this was an attack by China, on our country through these Dominion and these other machines, where, and they just hacked in, a cyber attack hacked into	Smartmatic previously identified by name as one of the

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			our election and flipped it to everyone, anyone that they wanted to win."	"machines" in question
48	6/5/21	No. 16: Absolutely 9-0	Mr. Lindell: "This is why, when we say that Donald Trump really won this election by like almost 80 million to 68 million for Biden, how can you switch tens of millions of votes? It had to be done with computers, it had to be done with the machines, through these Dominion and through all these machines, and China, China did it. It's a cyber attack of historical proportions."	Smartmatic previously identified by name as one of the "machines" in question
49	6/5/21	No. 16: Absolutely 9-0	J. Alex Halderman: "I know America's voting machines are vulnerable, because my colleagues and I have hacked them repeatedly. We've created attacks that can spread from machine to machine like a computer virus and silently change election outcomes. And in every single case, we've found ways for attackers to sabotage machines and to steal votes." Unknown Speaker 2: "When you say hacked, what were they able to do once they gained access to the machines?" Douglas Lute: "All sorts of things, they could manipulate the outcome of the vote, they could manipulate the tally. They could delete the tally. And they could compromise the vote in any number of ways."	Smartmatic previously identified by name as one of the "machines" in question
50	8/10/21	No. 17 Cyber Symposium Part I	Mr. Lindell: "Venezuela is where the machine started. Smartmatic started in Venezuela. I got a whole big I've spent millions of dollars investigating this. They're built to take they're built as a tool to take countries."	Smartmatic identified by name

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51	8/10/21	No. 17: Cyber Symposium Part II	Colonel Waldron: "Some of the anomalies that we noticed in the 2020 general elections that five key states all stopped counting at a certain time in these key battleground states. These were all where the software Dominion machines, ES&S machines were used, the the Smartmatic, the Gems software, so when the vote stopped counting"	Smartmatic identified by name
52	8/10/21	No. 17: Cyber Symposium Part III	Mr. Oltmann: This particular piece is actually talking about the similarities in testing of the equipment, the hardware, between Smartmatic and Dominion voting systems. So they're using the same hardware, they just have a new badge on it, one says Dominion Voting and one says Smartmatic Yes, yeah. Made by the same supplier. Right.	Smartmatic identified by name
53	8/10/21	No. 17: Cyber Symposium Part III	Mr. Oltmann: We were able to build an entire graph of the people that worked for ES&S, Hart, Dominion Voting Systems, Clear Ballot, Smartmatic, and they basically recycle people through the company.	Smartmatic identified by name
54	1/4/23	No. 18: Updates on the Smartmatic Lawsuit and the Cast Vote Records	Mr. Lindell: "Let me tell you about Smartmatic in the 2020 election, do you think L.A. County was computermanipulated or not? Of course it was! And now we have the proof."	Smartmatic identified by name